

No. 04-1171

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\* Appeal from the United States  
\* District Court for the  
\* Western District of Missouri.  
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\* [Unpublished]  
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PER CURIAM.

Missouri inmate Jeffrey Amick (Amick) appeals the district court's<sup>1</sup> dismissal under Federal Rule of Civil Procedure 41(b) of his 42 U.S.C. § 1983 complaint, as well as the court's denial of reconsideration. We discern no error in the district court's orders, given Amick's failure to explain--after being given the chance to do so in objections to the magistrate judge's report and in his motion for reconsideration--why he continued to be unable to pay the initial partial filing fee ordered by the court. See Fed. R. Civ. P. 41(b); Cosby v. Meadors, 351 F.3d 1324, 1328-31 (10th Cir. 2003) (affirming dismissal of prisoner's complaint for failure to pay assessed filing fee), cert. denied, 124 S. Ct. 2109 (2004); COMSAT Corp. v. St. Paul Fire & Marine Ins. Co., 246 F.3d 1101, 1105 (8th Cir. 2001) (standard of review for reconsideration motions); Burgs v. Sissel, 745 F.2d 526, 528 (8th Cir. 1984) (per curiam) (sua sponte dismissal for failure to comply with court order).

Accordingly, we affirm. See 8th Cir. R. 47B. We modify the dismissal to be without prejudice.

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<sup>1</sup>The Honorable Scott O. Wright, United States District Judge for the Western District of Missouri, adopting the report and recommendations of the Honorable William A. Knox, United States Magistrate Judge for the Western District of Missouri.